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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,498	04/30/2002	Farid Ahmed-Zaid	199-1941 JMS	4307
28549	7590	02/10/2004	EXAMINER HERNANDEZ, OLGA	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			ART UNIT 3661	

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/063,498

Applicant(s)

AHMED ZAID ET AL.

Examiner

Olga Hernandez

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 11, 16 and 19, how do the system and method can inhibit the resume speed without setting the speed?

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi et al (5,333,058).

Art Unit: 3661

As per claim 11 and 19, Shiraishi teaches how to reduce the vehicle speed based on the yaw rate (column 4, lines 54-63). Due to the fact that inhibiting is to hold back, retain and that is what the prior art does when it diminishes the speed of the vehicle. The prior art does not teach the use of a controller for sensing the yaw rate. However, this feature is obvious in order to make possible the comparison as the prior art does.

5. Claims 1-5, 7-10, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al (6,246,932).

As per claims 1 and 16, Kageyama teaches:

- detecting an object and generating an object profile (column 9, lines 5-14);
- detecting a future path of the vehicle (column 11, lines 11-17);
- generating a predicted future path profile in response to the future path and the object profile (column 11, lines 26-30); and
- inhibiting the speed of the vehicle in response to the predicted future path profile (column 15, lines 45-59).

The prior art does not specify the resume speed. However, due to the 112 problems and it is understood that the prior art teaches the same invention claimed by the applicant.

As per claim 2, Kageyama teaches how to update the predicted future path profile (abstract).

As per claim 3, Kageyama teaches the future path profile includes parameters selected from the following: object profile, yaw rate, street category, and upcoming future road paths (abstract).

As per claims 4 and 8, Kageyama teaches the same claimed by the applicant (column 9).

As per claim 7, Kageyama teaches how to generate a navigational signal from the following group: vehicle position, speed category, future path, landmark location, road type and others (abstract).

As per claims 9 and 17, Kageyama teaches determining the object location with respect to the future path of the vehicle (abstract).

As per claim 18, it would have been obvious that a vehicle can be a stopped object. Therefore, it is understood that the prior art teaches the same claimed by the applicant based on the vehicle that is traveling and/or using the same system.

As per claims 5 and 10, Kageyama does not teach what is claimed by the applicant. However, the prior art works with the tire turning and the steering wheel of the vehicle that are equivalent to work with the road curvature (columns 10 and 11).

6. Claims 12, 13, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi et al (5,333,058) in view of Kageyama et al (6,246,932).

As per claim 12, Shiraishi et al does not teach detecting an object and generating an object profile; detecting a future path of the vehicle; generating a predicted future path profile in response to the future path and the object profile; and inhibiting the speed of the vehicle in response to the predicted future path profile. However, Kageyama teaches:

- detecting an object and generating an object profile (column 9, lines 5-14);
- detecting a future path of the vehicle (column 11, lines 11-17);
- generating a predicted future path profile in response to the future path and the object profile (column 11, lines 26-30); and

- inhibiting the speed of the vehicle in response to the predicted future path profile (column 15, lines 45-59).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to avoid possible accidents.

As per claim 13, Shiraishi et al does not teach what is claimed by the applicant. However, Kageyama teaches: a future path of the vehicle in response to a navigational signal (abstract).

As per claim 14, it would have been obvious that a vehicle can be a stopped object. Therefore, it is understood that the prior art teaches the same claimed by the applicant based on the vehicle that is traveling and/or using the same system.

As per claim 20, Shiraishi et al does not teach detecting an object and generating an object profile; detecting a future path of the vehicle; generating a predicted future path profile in response to the future path and the object profile; and inhibiting the speed of the vehicle in response to the predicted future path profile. However, Kageyama teaches:

- detecting an object and generating an object profile (column 9, lines 5-14);
- detecting a future path of the vehicle (column 11, lines 11-17);
- generating a predicted future path profile in response to the future path and the object profile (column 11, lines 26-30); and
- inhibiting the speed of the vehicle in response to the predicted future path profile (column 15, lines 45-59).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to avoid possible accidents.

Art Unit: 3661

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al (6,246,932) in view of Shiraishi et al (5,333,058).

Kageyama does not teach what is claimed by the applicant. However, Shiraishi et al teaches how to reduce the vehicle speed based on the yaw rate (column 4, lines 54-63). Due to the fact that inhibiting is to hold back, retrain and that is what the prior art does when it reduces the speed of the vehicle. The prior art does not teach the use of a controller for sensing the yaw rate. However, this feature is obvious in order to make possible the comparison as the prior art does. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to avoid possible accidents.

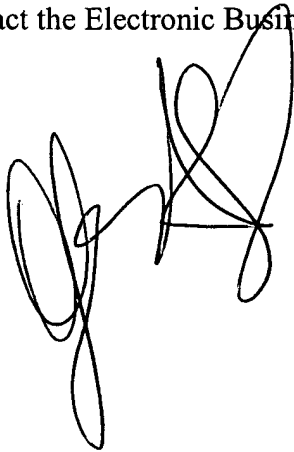
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Olga Hernandez', written in a cursive style.

Olga Hernandez  
Examiner  
Art Unit 3661